



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.467 of 2022

B.Vengatapathi

.. Petitioner

Vs.

State represented by
The Sub-Inspector of Police
District Crime Branch(land Grabbing
Special Officer of the Superintendent of Cell)
Villupuram Police, Villupuram District.
Crime No.49 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.49 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Elumalai

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 423, 465, 467, 471 of the Indian Penal Code and Sec. 81 & 82(a) of the Tamil Nadu Registration Act, 1908, in Crime No.49 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is A-12. It is alleged that A-1 to A-7 are siblings and they had given general power of attorney to A8 who is a broker and they had allegedly created a forged document in order to grab the property of the defacto complainant and sold it to A9 to A11. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.



3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that investigation almost completed and further co-accused were granted interim anticipatory bail in Crl.O.P.No.25955 of 2021 dated 29.12.2021. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with the following condition.

6. Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned *Judicial Magistrate, Ginji* on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions has been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;



[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

WEB COPY

-sd/-

11/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
GINJI, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (LAND GRABBING
SPECIAL OFFICER OF THE SUPERINTENDENT OF CELL),
VILLUPURAM POLICE, VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.AYYATHURAI Advocate on payment of necessary charges SR.No.644

CRL OP.467/2022

Date :11/01/2022

CSK 20/01/2022